

**DECLARATION FOR  
UTILITY OR DESIGN  
PATENT APPLICATION**☒ Declaration Submitted with Initial Filing  
☐ Declaration Submitted after Initial Filing

Attorney Docket Number	X15711
First Named Inventor	Robert Dean Dally
<b>COMPLETE IF KNOWN</b>	
Application Number	
Filing Date	
Group Art Unit	
Examiner Name	

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole Inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SELECTIVE ESTROGEN RECEPTOR MODULATORS

the specification of which  
☐ is attached hereto  
OR☒ was filed on 07/16/2003 as United States Application Number or PCT International  
(MM/DD/YYYY)Application Number PCT/IB03/03349 and was amended on (if applicable).  
(MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional applications(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.
60/397,869	07/22/2002	
60/450,233	02/25/2003	

**DECLARATION**

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or § 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (If applicable)

☐ Additional U.S. or PCT International application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Attorney Name	Reg. No.
Arvie J. Anderson	45,283
Lynn D. Apelgren	45,341
Robert A. Amitage	27,417
Brian P. Barrett	39,597
Michael T. Bates	34,121
Roger S. Benjamin	27,025
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Steven P. Caltrider	36,467
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John Cleveland	50,697
Charles E. Cohen	34,565
Donald L. Corneglio	30,741
Gregory A. Cox	47,504
Paula K. Davis	47,517
John C. Demeter	30,167
Manisha A. Desai	43,585
Paul J. Gaylo	36,808
Caren D. Geppert	P54,117
Francis O. Ginah	44,712
Amy E. Hamilton	33,894
Danica Hostettler	51,820
Thomas E. Jackson	33,064
Soonhee Jang	44,802
Gerald P. Keleher	43,707
James J. Kelley	41,888
Paul J. Koivuniemi	31,533

Attorney Name	Reg. No.
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James P. Leeds	35,241
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Arlene Palmberg	40,422
Thomas G. Plant	35,784
Edward Prein	37,212
Grant E. Reed	41,284
James J. Sales	33,773
Michael J. Sayles	32,295
David M. Stemenick	40,187
Mark J. Stewart	43,936
Robert D. Titus	40,206
Robert C. Tucker	45,165
Tina M. Tucker	47,145
MaCharrl Vomdran-Jones	36,711
Gilbert T. Voy	43,972
Thomas D. Webster	39,872
Lawrence T. Welch	29,487
Alexander Wilson	45,782
Mark A. Winter	53,782
MaryAnn Wiskerchen	45,511
Dan L. Wood	48,613

☐ Additional registered practitioner(s) named on a supplemental sheet attached hereto.

Direct all correspondence to:

Name	ELI LILLY AND COMPANY		
Address	ATTN: Gilbert T. Voy		
Address	Patent Division, P.O. Box 6288		
City	INDIANAPOLIS	State	INDIANA
Country	US	ZIP	46206-6288
Telephone	(317) 276-2966	Fax	(317) 276-3861

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A Petition has been filed for this unsigned inventor

Given Name	Robert	Middle Name	Dean	Family Name	Dally	Suffix e.g. Jr.
Inventor's Signature						Date
Residence: City	Indianapolis	State	IN	Country	US	Citizenship
Address	9656 Loganberry Lane					
Post Office Address	SAME AS ABOVE					
City	Indianapolis	State	IN	Zip	46256	Country
					US	

☒ Additional inventors are being named on supplement sheet(s) attached hereto.



## DECLARATION

200

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Jeffrey	Middle Name	Alan	Family Name	Dodge	Suffix e.g. Jr.	
Inventor's Signature	<i>Jeffrey Alan Dodge</i>					Date	20 Aug 03
Residence: City	Indianapolis	State	IN	Country	US	Citizenship	US
Address	7110 Lantern Road						
Post Office Address	SAME AS ABOVE						
City	Indianapolis	State	IN	Zip	46256	Country	US

300

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Scott	Middle Name	Alan	Family Name	Frank	Suffix e.g. Jr.	
Inventor's Signature	<i>Scott Alan Frank</i>					Date	20 Aug 2003
Residence: City	Indianapolis	State	IN	Country	US	Citizenship	US
Address	5421 Cranley Circle						
Post Office Address	SAME AS ABOVE						
City	Indianapolis	State	IN	Zip	46220	Country	US

400

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Scott	Middle Name	Alan	Family Name	Jones	Suffix e.g. Jr.	
Inventor's Signature	<i>Scott Alan Jones</i>					Date	20 Aug, 2003
Residence: City	Indianapolis	State	IN	Country	US	Citizenship	US
Address	922 Southwood Drive						
Post Office Address	SAME AS ABOVE						
City	Indianapolis	State	IN	Zip	46227	Country	US

500

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Timothy	Middle Name	Alan	Family Name	Shepherd	Suffix e.g. Jr.	
Inventor's Signature	<i>Timothy Alan Shepherd</i>					Date	20 Aug 2003
Residence: City	Indianapolis	State	IN	Country	US	Citizenship	US
Address	8705 Country Woods Court						
Post Office Address	SAME AS ABOVE						
City	Indianapolis	State	IN	Zip	46217	Country	US

Please type a plus sign (+) inside this box ☐

PTO/SB/01 (8-96) (MODIFIED)

Approved for use through 9/30/98. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## DECLARATION

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Owen	Middle Name	Brendan	Family Name	Wallace	Suffix e.g. Jr.	
Inventor's Signature	<i>[Signature]</i>					Date	20 Aug 2003
Residence: City	Zionsville	State	IN	Country	US	Citizenship	US
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Post Office Address	SAME AS ABOVE						
City	Zionsville	State	IN	Zip	46077	Country	US

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Kin	Middle Name	Chlu	Family Name	Fong	Suffix e.g. Jr.	
Inventor's Signature	<i>[Signature]</i>					Date	8 Oct 2003
Residence: City	Longmont	State	CO	Country	US	Citizenship	GB
Address	1226 Fremont Court						
Post Office Address	SAME AS ABOVE						
City	Longmont	State	CO	Zip	80501	Country	US

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Conrad	Middle Name	Wilson	Family Name	Hummel	Suffix e.g. Jr.	
Inventor's Signature	<i>[Signature]</i>					Date	10/8/2003
Residence: City	Louisville	State	CO	Country	US	Citizenship	US
Address	1767 West Barberry Circle						
Post Office Address	SAME AS ABOVE						
City	Louisville	State	CO	Zip	80027	Country	US

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	George	Middle Name	Sal	Family Name	Lewis	Suffix e.g. Jr.	
Inventor's Signature	<i>[Signature]</i>					Date	10-8-03
Residence: City	Louisville	State	CO	Country	US	Citizenship	US
Address	732 Orchard Drive						
Post Office Address	SAME AS ABOVE						
City	Louisville	State	CO	Zip	80027	Country	US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

**I hereby appoint:**

☒**Practitioners associated with the Customer Number:**

25885

**OR**

1

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

[illegible]

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

**Assignee Name and Address:**

**Eli Lilly and Company**

Patent Division

**PO Box 6288**

Indianapolis, Indiana 46206-6288

**A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.**

**SIGNATURE of Assignee of Record**

**The individual whose signature and title is supplied below is authorized to act on behalf of the assignee**

Name	Douglas K. Norman		
Signature	<i>Douglas K. Norman</i>	Date	10 August 2004
Title	Deputy General Counsel, General Patent Counsel	Telephone	317-433-1651

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

***If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.***

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**CERTIFICATE UNDER 37 CFR 3.73(b)**

10/521896

DT01 Rec'd PCT/PTC 18 JAN 2005

Applicant: Robert Dean Dally, et al.

Application No.: US Nat'l Phase of PCT/IB2003/003349 Filed: 16 July 2003

Entitled: SELECTIVE ESTROGEN RECEPTOR MODULATORS CONTAINING A  
PHENYLSULFONYL GROUP

ELI LILLY AND COMPANY, a CORPORATION

(Name of Assignee)

(Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above.

☒ The assignment was recorded in the Patent and Trademark Office at Reel 013659, Frame 0107.

☐ The assignment is being submitted separately for recordation; a copy of this assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

1/18/2005

Gilbert T. Voy  
Patent Counsel